

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BARRY DONOHOO,

Plaintiff,

v.

DOUG HANSON *et al.*,

Defendants.

ORDER

14-cv-309-wmc

The court held a telephonic hearing today on *pro se* plaintiff Barry Donohoo's motion to compel (dkt. #10) and on defendants' motion for an extension of the dispositive motion deadline (dkt. #18). Consistent with that discussion, Donohoo's motion to compel is granted in part. No later than March 18, 2015, defendants are to provide to both Donohoo and the court:

- A complete response to Donohoo's Interrogatory No. 3, which should answer each part of the interrogatory on behalf of the entire Douglas County Board of Adjustment and should be signed by the current Board chair.
- A complete response to Donohoo's Interrogatory No. 4 on behalf of defendants Roger Wilson, Larry Luostari and Dale Johnson.

Defendants also represented they have produced additional documents to Donohoo, although due to his travel he has not yet seen them. Should Donohoo believe that there are still portions missing from the requested materials, he should first confer with defendants' attorney by initiating a telephone call at 12:00 p.m. on Tuesday, March 10. If the parties are unable to resolve any dispute that may arise, Donohoo should promptly advise the court in writing as to what *specific* materials he believes to be missing.

Next, the court will order defendants to appear for depositions at the Douglas County Courthouse on whichever of the following dates is most convenient for each of them: March 30; April 6 through 10; April 22; or April 29. Defendants' counsel is to provide *at least* one week's advance notice to Donohoo via e-mail of each defendant's availability and is responsible for reserving a room at the courthouse, if necessary. Donohoo is to arrange for the presence of a court reporter at those depositions and to arrange for expedited transcripts, if necessary.

As indicated in its order of March 4 (dkt. #20), the dispositive motion deadline will be extended to April 6, 2015. Donohoo's opposition will be due on May 15, with defendants' reply to be filed by May 30. Both parties should be sure to adhere to the court's procedures to be followed on summary judgment, which was provided to them with the preliminary pretrial conference order. (*See* Prelim. Pretrial Conference Order (dkt. #9) ECF 16-21.)

Finally, the court specifically finds that: (1) defendants did not act in bad faith in responding to Donohoo's discovery requests to date, and (2) it would not be just to award Donohoo expenses or monetary sanctions in connection with his motion to compel. Accordingly, that portion of Donohoo's motion will be denied.

ORDER

IT IS ORDERED that:

1. Plaintiff Barry Donohoo's motion to compel and for sanctions (dkt. #10) is
GRANTED IN PART and DENIED IN PART consistent with the opinion above.

2. The parties are to cooperate in arranging and taking depositions as discussed at the telephonic hearing and consistent with the timetable set forth in the opinion above.
3. Any dispositive motions filed on April 6 will have a response deadline of May 15 and a reply deadline of May 30.

Entered this 6th day of March, 2015.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge